

HOUSE BILL No. 1818

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-5-2-48; IC 3-8; IC 3-10-2-6; IC 3-11-2-12; IC 4-2; IC 4-3-6-2; IC 5-14-3-3.5; IC 6-1.1-19-4.1; IC 20-1; IC 20-5.5-3-11.

Synopsis: Selection of superintendent of public instruction. Provides for the superintendent of public instruction to be appointed by the governor. Repeals a superseded statute relating to the residency of candidates for election for superintendent of public instruction.

Effective: July 1, 2003.

Behning, Cherry

January 23, 2003, read first time and referred to Committee on Appointments and Claims.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1818

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 48. "State office" refers to governor,
3 lieutenant governor, secretary of state, auditor of state, treasurer of
4 state, ~~superintendent of public instruction~~; attorney general, justice of
5 the supreme court, judge of the court of appeals, judge of the tax court,
6 and clerk of the supreme court.
- 7 SECTION 2. IC 3-8-1-33 IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2003]: Sec. 33. (a) A candidate for an office
9 listed in subsection (b) must file a statement of economic interests.
- 10 (b) Whenever a candidate for any of the following offices is also
11 required to file a declaration of candidacy or is nominated by petition,
12 the candidate shall file a statement of economic interests before filing
13 the declaration of candidacy or declaration of intent to be a write-in
14 candidate, before the petition of nomination is filed, before the
15 certificate of nomination is filed, or before being appointed to fill a
16 candidate vacancy under IC 3-13-1 or IC 3-13-2:
- 17 (1) Governor, lieutenant governor, secretary of state, auditor of



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1 state, treasurer of state, **and** attorney general, **and** state
 2 ~~superintendent of public instruction~~; in accordance with
 3 IC 4-2-6-8.

4 (2) Senator and representative in the general assembly, in
 5 accordance with IC 2-2.1-3-2.

6 (3) Justice of the supreme court, clerk of the supreme court, judge
 7 of the court of appeals, judge of the tax court, judge of a circuit
 8 court, judge of a superior court, judge of a county court, judge of
 9 a probate court, and prosecuting attorney, in accordance with
 10 IC 33-2.1-8-6 and IC 33-2.1-8-7.

11 SECTION 3. IC 3-8-4-2 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A political party shall conduct
 13 a state convention to nominate the candidates of the political party for
 14 the following offices to be voted on at the next general election:

- 15 (1) Lieutenant governor.
- 16 (2) Secretary of state.
- 17 (3) Auditor of state.
- 18 (4) Treasurer of state.
- 19 (5) Attorney general.
- 20 ~~(6) Superintendent of public instruction.~~
- 21 ~~(7)~~ (6) Clerk of the supreme court.

22 (b) The convention shall also:

- 23 (1) nominate candidates for presidential electors and alternate
- 24 electors; and
- 25 (2) elect the delegates and alternate delegates to the national
- 26 convention of the political party.

27 SECTION 4. IC 3-10-2-6 IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2003]: Sec. 6. The following public officials
 29 shall be elected in 2000 and every four (4) years thereafter:

- 30 (1) Governor.
- 31 (2) Lieutenant governor.
- 32 (3) Attorney general.
- 33 ~~(4) Superintendent of public instruction.~~

34 SECTION 5. IC 3-11-2-12 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. The following
 36 offices shall be placed on the general election ballot in the following
 37 order:

- 38 (1) Federal and state offices:
 - 39 (A) President and Vice President of the United States.
 - 40 (B) United States Senator.
 - 41 (C) Governor and lieutenant governor.
 - 42 (D) Secretary of state.

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- 1 (E) Auditor of state.
- 2 (F) Treasurer of state.
- 3 (G) Attorney general.
- 4 ~~(H) Superintendent of public instruction.~~
- 5 ~~(H)~~ (H) Clerk of the supreme court.
- 6 ~~(I)~~ (I) United States Representative.
- 7 (2) Legislative offices:
 - 8 (A) State senator.
 - 9 (B) State representative.
- 10 (3) Circuit offices and county judicial offices:
 - 11 (A) Judge of the circuit court, and unless otherwise specified
 - 12 under IC 33, with each division separate if there is more than
 - 13 one (1) judge of the circuit court.
 - 14 (B) Judge of the superior court, and unless otherwise specified
 - 15 under IC 33, with each division separate if there is more than
 - 16 one (1) judge of the superior court.
 - 17 (C) Judge of the probate court.
 - 18 (D) Judge of the county court, with each division separate, as
 - 19 required by IC 33-10.5-4-2.
 - 20 (E) Prosecuting attorney.
 - 21 (F) Clerk of the circuit court.
- 22 (4) County offices:
 - 23 (A) County auditor.
 - 24 (B) County recorder.
 - 25 (C) County treasurer.
 - 26 (D) County sheriff.
 - 27 (E) County coroner.
 - 28 (F) County surveyor.
 - 29 (G) County assessor.
 - 30 (H) County commissioner.
 - 31 (I) County council member.
- 32 (5) Township offices:
 - 33 (A) Township assessor.
 - 34 (B) Township trustee.
 - 35 (C) Township board member.
 - 36 (D) Judge of the small claims court.
 - 37 (E) Constable of the small claims court.
- 38 (6) City offices:
 - 39 (A) Mayor.
 - 40 (B) Clerk or clerk-treasurer.
 - 41 (C) Judge of the city court.
 - 42 (D) City-county council member or common council member.

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- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

SECTION 6. IC 4-2-1-1 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2003]: Sec. 1. The salary of the elected officials
of the state is as follows:

- (1) For the governor the following salary:
 - (A) Before January 8, 2001, seventy-seven thousand two hundred dollars (\$77,200) per year.
 - (B) After January 7, 2001, ninety-five thousand dollars (\$95,000) per year.
- (2) For the lieutenant governor the following salary:
 - (A) Before January 8, 2001, sixty-four thousand dollars (\$64,000) per year.
 - (B) After January 7, 2001, seventy-six thousand dollars (\$76,000) per year.

However, the lieutenant governor is not entitled to receive per diem allowance for performance of duties as president of the senate.

- (3) For the secretary of state the following salary:
 - (A) Before January 1, 1999, forty-six thousand dollars (\$46,000) per year.
 - (B) After December 31, 1998, sixty-six thousand dollars (\$66,000) per year.
- (4) For the auditor of state the following salary:
 - (A) Before December 1, 1998, forty-six thousand dollars (\$46,000) per year.
 - (B) After November 30, 1998, sixty-six thousand dollars (\$66,000) per year.
- (5) For the treasurer of state the following salary:
 - (A) Before February 10, 1999, forty-six thousand dollars (\$46,000) per year.
 - (B) After February 9, 1999, sixty-six thousand dollars (\$66,000) per year.
- (6) For the attorney general the following salary:
 - (A) Before January 1, 1999, fifty-nine thousand two hundred dollars (\$59,200) per year.
 - (B) After December 31, 1998, seventy-nine thousand four hundred dollars (\$79,400) per year.
- (7) For the clerk of the supreme court the following salary:
 - (A) Before January 1, 1999, thirty-eight thousand dollars



- 1 (\$38,000) per year.
 2 (B) After December 31, 1998, sixty thousand dollars (\$60,000)
 3 per year.
 4 (8) For the state superintendent of public instruction the following
 5 salary:
 6 (A) Before January 1, 1999, sixty-three thousand one hundred
 7 dollars (\$63,100) per year.
 8 (B) After December 31, 1998, **and before January 10, 2004,**
 9 seventy-nine thousand four hundred dollars (\$79,400) per
 10 year.
 11 SECTION 7. IC 4-2-6-8, AS AMENDED BY P.L.44-2001,
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2003]: Sec. 8. (a) The following persons shall file a written
 14 financial disclosure statement:
 15 (1) The governor, lieutenant governor, secretary of state, auditor
 16 of state, treasurer of state, **and** attorney general. ~~and state~~
 17 ~~superintendent of public instruction.~~
 18 (2) Any candidate for one (1) of the offices in subdivision (1) who
 19 is not the holder of one (1) of those offices.
 20 (3) Any person who is the appointing authority of an agency.
 21 (4) The director of each division of the department of
 22 administration.
 23 (5) Any purchasing agent within the procurement division of the
 24 department of administration.
 25 (6) An employee required to do so by rule adopted by the
 26 commission.
 27 (b) The statement shall be filed with the commission as follows:
 28 (1) Not later than February 1 of every year, in the case of the state
 29 officers and employees enumerated in subsection (a).
 30 (2) Before filing a declaration of candidacy under IC 3-8-2,
 31 petition of nomination under IC 3-8-6, or declaration of intent to
 32 be a write-in candidate under IC 3-8-2-2.5, or before a certificate
 33 of nomination is filed under IC 3-8-7-8, in the case of a candidate
 34 for one (1) of the state offices.
 35 (3) Not later than sixty (60) days after employment or taking
 36 office, unless the previous employment or office required the
 37 filing of a statement under this section.
 38 (4) Not later than thirty (30) days after leaving employment or
 39 office, unless the subsequent employment or office requires the
 40 filing of a statement under this section.
 41 The statement must be made under affirmation.
 42 (c) The statement shall set forth the following information for the

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preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

(1) The name and address of any person known:

(A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and

(B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).

(2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.

(3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.

(4) The following information about any sole proprietorship owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:

(A) The name of the sole proprietorship or professional practice.

(B) The nature of the business.

(C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.

(D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.

(5) The name of any partnership of which the state officer, candidate, or the employee or that individual's spouse is a member and the nature of the partnership's business.

(6) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the

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corporation's business.

(7) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). A time or demand deposit in a financial institution or insurance policy need not be listed.

(8) The name and address of the most recent former employer.

(9) Additional information that the person making the disclosure chooses to include.

Any such state officer, candidate, or employee may file an amended statement upon discovery of additional information required to be reported.

(d) A person who:

(1) fails to file a statement required by rule or this section in a timely manner; or

(2) files a deficient statement;

upon a majority vote of the commission, is subject to a civil penalty at a rate of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

(e) A person who intentionally or knowingly files a false statement commits a Class A infraction.

SECTION 8. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, ~~the state superintendent of public instruction~~, and the attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads.

(2) "Reorganization" means:

(A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(B) the abolition of all or any part of the functions of any agency;

(C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions

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thereof;

(D) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

(E) the authorization of any officer to delegate any of his functions; or

(F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 9. IC 5-14-3-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) As used in this section, "state agency" has the meaning set forth in IC 4-13-1-1. The term does not include the office of the following elected state officials:

(1) Secretary of state.

(2) Auditor.

(3) Treasurer.

(4) Attorney general.

~~(5) Superintendent of public instruction.~~

~~(6) (5) Clerk of the Supreme Court.~~

However, each state office described in subdivisions (1) through (6) may use the computer gateway administered by the intelnet commission established under IC 5-21-2, subject to the requirements of this section.

(b) As an additional means of inspecting and copying public records, a state agency may provide enhanced access to public records maintained by the state agency.

(c) If the state agency has entered into a contract with a third party under which the state agency provides enhanced access to the person through the third party's computer gateway or otherwise, all of the following apply to the contract:

(1) The contract between the state agency and the third party must provide for the protection of public records in accordance with subsection (d).

(2) The contract between the state agency and the third party may provide for the payment of a reasonable fee to the state agency by either:

(A) the third party; or

(B) the person.

(d) A contract required by this section must provide that the person and the third party will not engage in the following:

(1) Unauthorized enhanced access to public records.

(2) Unauthorized alteration of public records.

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(3) Disclosure of confidential public records.

(e) A state agency shall provide enhanced access to public records only through the computer gateway administered by the intelnet commission established under IC 5-21-2, except as permitted by the data process oversight commission established under IC 4-23-16-1.

SECTION 10. IC 6-1.1-19-4.1, AS AMENDED BY P.L.90-2002, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.1. (a) To assist the department of local government finance in deciding the merits of any appeal filed under IC 6-1.1-17 or under this chapter with the department by, or in respect of, any school corporation, there is established the school property tax control board. This board shall consist of five (5) voting members and two (2) ex officio nonvoting members. In addition, the school property tax control board may include not more than four (4) additional voting members who shall be appointed as follows:

(1) One (1) member is to be appointed by the president pro tempore of the senate and must be a business official of a school corporation who is not employed by a school corporation that is undergoing a construction project.

(2) One (1) member is to be appointed by the president pro tempore of the senate and must be an engineer knowledgeable in the construction of school buildings but who is not actively employed by an engineering firm that is involved in a school building construction project or who is not otherwise a party to a contract for engineering services for a school building construction project.

(3) One (1) member is to be appointed by the speaker of the house of representatives and must be an architect knowledgeable in the design of school buildings but who is not actively employed by an architectural firm that is involved in a school building construction project or who is not otherwise a party to a contract for architectural services for a school building construction project.

(4) One (1) member is to be appointed by the speaker of the house of representatives and must be a financial adviser who is not actively employed as a financial adviser to a school corporation that is involved in a school building construction project or who is not otherwise a party to a contract for financial advisory services for a school building construction project.

Of the mandatory five (5) voting members, one (1) shall be appointed by the state board of accounts, one (1) shall be appointed by the department of local government finance, and three (3) shall be

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1 appointed by the governor. ~~The governor may seek the~~
 2 ~~recommendation of the state superintendent of public instruction with~~
 3 ~~regard to one (1) of the governor's appointments.~~ Each of the remaining
 4 two (2) governor's appointees must be a citizen of Indiana who neither
 5 holds an elective or appointive office in the government of the state nor
 6 is regularly employed by the state. Each of the mandatory five (5)
 7 voting members and any additional voting members who may be
 8 appointed serves at the will of the appointing board or person. The
 9 speaker of the house of representatives shall appoint one (1) member
 10 of the house as one (1) of the ex officio nonvoting members of the tax
 11 control board. The president pro tempore of the senate shall appoint
 12 one (1) senator as the other ex officio nonvoting member of the tax
 13 control board. Each of the ex officio nonvoting members of the tax
 14 control board shall serve at the will of the appointing officer. A
 15 vacancy in the membership of the tax control board shall be filled by
 16 the appointing authority who made the appointment to the seat that is
 17 vacated. No member of the tax control board shall receive
 18 compensation for services as such a member, except as provided in
 19 subsections (g) and (h). Each of the members of the tax control board
 20 shall, before proceeding to the discharge of the member's duties as a
 21 member of the tax control board, subscribe and swear to a writing
 22 declaring the member's intention to support the Constitution of the
 23 United States and the Constitution of the State of Indiana and the
 24 member's intention to faithfully, honestly, and impartially discharge the
 25 member's duties as a member of the tax control board.

26 (b) The tax control board shall meet, as business may require, in
 27 rooms provided by the department of local government finance. The
 28 department of local government finance shall provide the tax control
 29 board with such staff and secretarial assistance as the tax control board
 30 may reasonably require. At each organizational meeting of the tax
 31 control board, which shall be held annually, the tax control board shall
 32 elect one (1) of its members chairman and another secretary.

33 (c) The department of local government finance shall promptly
 34 deliver to the tax control board every appeal petition that is filed under
 35 IC 6-1.1-17 or under this chapter with the department by, or in respect
 36 of, any school corporation. The department of local government finance
 37 shall also promptly deliver to the tax control board other materials
 38 related to the appeal petition as the department shall then or thereafter
 39 possess. Upon receiving an appeal petition, the tax control board shall
 40 proceed immediately to examine the petition and to consider the merits
 41 of the school corporation's appeal.

42 (d) The tax control board may conduct hearings on any appeal



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petition that is before the tax control board, and the tax control board may require any officer or member of the school corporation whose appeal petition is under consideration by the tax control board to appear before the tax control board or to produce, before the tax control board, any books and records that the tax control board considers pertinent to the appeal, or both.

(e) If an officer or a member fails or refuses to appear at a hearing of the tax control board after having been given a written notice from the tax control board requiring the officer's or member's attendance, or fails or refuses to produce for the tax control board's use the books and records that the tax control board has, by written notice, required the officer or member to produce, the tax control board may file an affidavit in the circuit court in which jurisdiction of the person of the officer or member may be had, setting forth the facts of the failure or refusal. Upon the filing of the affidavit, the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons shall command the officer or member to appear before the tax control board, to provide information to the tax control board, or to produce books and records for the tax control board's use, as the case may be. Disobedience of the summons is punishable as a contempt of the circuit court that issued the summons.

(f) All expenses incident to the filing of the affidavit and the issuance and service of the summons under this section shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the action of the officer or member was taken in good faith and with reasonable cause. If the court finds that the officer or member acted in good faith and with reasonable cause or if an affidavit has been filed without the issuance of a summons, the expenses shall:

(1) be charged against the county in which the affidavit has been filed; and

(2) be allowed by the proper fiscal officers of that county.

(g) Each member of the tax control board who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the tax control board who is a state employee

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1 is entitled to reimbursement for travel expenses and other expenses
 2 actually incurred in connection with the member's duties, as provided
 3 in the state travel policies and procedures established by the Indiana
 4 department of administration and approved by the budget agency.

5 SECTION 11. IC 20-1-1-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The Indiana state
 7 board of education is established. The board shall consist of **the**
 8 **following:**

9 (1) Ten (10) members appointed by the governor. ~~and~~

10 (2) The state superintendent of public instruction.

11 Of the ten (10) members appointed by the governor, a minimum of four
 12 (4) members must be persons who are actively employed in the schools
 13 in Indiana and who hold a valid teaching license. At least one (1)
 14 member must be appointed from each congressional district in Indiana.
 15 ~~No~~ **Not** more than six (6) members of the board may be appointed from
 16 the membership of any one (1) political party. A quorum consists of six
 17 (6) members of the board, and an action of the board is not official
 18 unless it is authorized by at least six (6) members. The superintendent
 19 of public instruction shall serve as ~~chairman~~ **chair** of the board.
 20 Appointed board members shall serve for a term of four (4) years,
 21 unless dismissed before the expiration of four (4) years by the governor
 22 for just cause. Any appointment to fill a vacancy occurring on the board
 23 shall be for the unexpired term.

24 (b) The superintendent of public instruction shall appoint six (6)
 25 persons who shall serve on the advisory committee on textbook
 26 adoption. The state superintendent of public instruction or ~~his~~ **the state**
 27 **superintendent's** designee shall serve as a voting member of the
 28 committee. At least four (4) of the members of the advisory committee
 29 on textbook adoptions shall be actively employed in the schools in
 30 Indiana and hold a valid teaching license. ~~No~~ **Not** more than four (4)
 31 of the members of the committee may be appointed from the
 32 membership of any one (1) political party. The state superintendent or
 33 ~~his~~ **the state superintendent's** designee shall serve as ~~chairman~~ **chair**
 34 of the committee. Committee members shall serve at the pleasure of the
 35 superintendent of public instruction.

36 (c) The board and the committee shall meet at such times as they
 37 determine. The terms of office of the appointive members of the board
 38 shall commence on July 1.

39 (d) The board may establish other advisory committees as necessary
 40 to provide technical and professional assistance to the board.

41 (e) Whenever the board is required to conduct hearings under
 42 IC 4-21.5-3, the board may use hearing examiners who are not

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members of the board to conduct the hearings.

SECTION 12. IC 20-1-11.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. **After January 9, 2005, the governor shall appoint the** superintendent of public instruction. ~~shall be elected under IC 3-10-2-6 by the voters of the state. The term of office of the superintendent is four (4) years; beginning on the second Monday in January after election and continuing until a successor is elected and qualified. serves at the pleasure of the governor for a salary fixed by the governor.~~

SECTION 13. IC 20-1-20.5-4, AS AMENDED BY P.L.112-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The roundtable consists of the following members:

(1) A number of members appointed ~~jointly~~ by the governor. ~~and the superintendent of public instruction.~~ These members must be representatives of:

(A) business and community leaders;

(B) elementary and secondary education, including programs for exceptional learners (as defined in IC 20-10.2-2-5.5); and

(C) higher education.

The number of members appointed under clause (A) must be equal to the number of members appointed under clauses (B) and (C).

(2) Two (2) members appointed by the president pro tempore of the senate from different political parties.

(3) Two (2) members appointed by the speaker of the house of representatives from different political parties.

SECTION 14. IC 20-1-20.5-6, AS ADDED BY P.L.146-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) ~~The governor and the superintendent of public instruction shall jointly serve~~ **serves as cochairpersons chair** of the roundtable. The roundtable shall meet upon the call of the ~~cochairpersons.~~ **chair.**

(b) A quorum of the roundtable must be present to conduct business. A quorum consists of a majority of the voting members appointed to the roundtable. The roundtable may not take an official action unless the official action has been approved by at least a majority of the voting members appointed to serve on the roundtable.

SECTION 15. IC 20-5.5-3-11, AS AMENDED BY P.L.1-2002, SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) This section applies if the sponsor rejects a proposal.



(b) The organizer may appeal the decision of the sponsor to the charter school review panel created under subsection (c).

(c) The charter school review panel is created. The members of the panel are **the following:**

(1) ~~the governor or~~ The governor's designee.

(2) The state superintendent of public instruction, who shall chair the panel.

(3) A member of the board appointed by the state superintendent of public instruction.

(4) A person with financial management experience appointed by the governor. ~~and~~

(5) A community leader with knowledge of charter school issues appointed ~~jointly~~ by the governor. ~~and the state superintendent of public instruction.~~

Members shall serve a two (2) year term and may be reappointed to the panel upon expiration of their terms.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's proposal and the sponsor's reasons for rejecting the proposal. The panel must allow the organizer and sponsor to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following three (3) findings and issue the finding to the organizer and the sponsor:

(1) A finding that supports the sponsor's rejection of the proposal.

(2) A finding that:

(A) recommends that the organizer amend the proposal; and

(B) specifies the changes to be made in the proposal if the organizer elects to amend the proposal.

(3) A finding that approves the proposal.

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) If the panel makes a finding described in subsection (f)(1), the finding is final.

(h) If the panel makes a finding described in subsection (f)(2), the organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.

(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon the delivery to the panel of written notice from the organizer and an eligible sponsor, as identified in IC 20-5.5-1-15,

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1 that the sponsor has agreed to serve as a sponsor for the proposal
2 approved by the panel.

3 (j) Proposals approved under this section shall not be counted under
4 any numerical limits placed upon a sponsor or set of sponsors.

5 SECTION 16. IC 3-8-1-10.5 IS REPEALED [EFFECTIVE JULY
6 1, 2003].

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